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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

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In re:

EASY STREET HOLDING, LLC, *et al.*,

Debtors.

Address: 201 Heber Avenue  
Park City, UT 84060

Tax ID Numbers:  
35-2183713 (Easy Street Holding, LLC),  
20-4502979 (Easy Street Partners, LLC), and  
84-1685764 (Easy Street Mezzanine, LLC)

Bankruptcy Case No. 09-29905  
Jointly Administered with  
Cases 09-29907 and 09-29908  
(this Order affects case nos.  
09-29905 and 09-29908)

Chapter 11

Honorable R. Kimball Mosier

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**DECLARATION OF NON-OPPOSITION TO AND REQUEST FOR ENTRY OF  
ORDER ON MOTION TO DISMISS EASY STREET MEZZANINE, LLC  
AND EASY STREET HOLDING, LLC CASES PURSUANT TO LOCAL RULE 9011-2(a)**

Pursuant to Local Rule 9013-2(f)(2), Adelaide Maudsley of Chapman and Cutler, counsel to BayNorth Realty Fund VI, LP (“BayNorth”), submits this Declaration of Non-Opposition in support of entry of an order on the “Motion to Dismiss Easy Street Mezzanine, LLC and Easy Street Holding, LLC Cases Pursuant to Local Rule 9011-2(a)” (the “Motion”) and respectfully declares as follows:

1. The Motion was filed with the Court on March 22, 2011 (Docket No. 750).
2. On March 23, 2011, as reflected on the certificates of service accompanying each of the Motion and the Notice of Motion and Notice of Opportunity for Hearing (Docket No. 751), a copy of each of the Motion and the Notice was served by regular mail, CM/ECF electronic noticing, or electronic mail, on the Debtors’ prior counsel, the individual principals of the Debtors to whom the Debtors’ counsel has previously designated and provided notice of their withdrawal requests, the Office of the United States Trustee, and any parties filing a Notice of Appearance.
3. The Notice specifies an objection deadline of April 11, 2011 and that a reserved hearing date on the Motion was set for April 19, 2011 at 11:00 a.m. but that such hearing would only be held if an objection or response was timely filed to the Motion.
4. In addition, the Notice includes the requisite language set forth in Local Rule 9013-2(d), including that the relief requested in the Motion may be granted without a hearing.
5. As of the objection deadline and the date of this Declaration, no objections or responses to the Motion appear on the electronic docket for the Debtors’ case, and the undersigned counsel for BayNorth has not received any objections or responses to the Motion in its offices.

6. Counsel for BayNorth was contacted by Mona Burton of Holland & Hart on the morning of April 11, 2011. Ms. Burton indicated that she and her firm had been retained by a party in control of Easy Street Mezzanine, LLC and Easy Street Holding, LLC to analyze potential claims. Ms. Burton indicated that her client does not oppose the dismissal of the Easy Street Mezzanine, LLC and Easy Street Holding, LLC cases and their attendant adversary proceedings without prejudice. Ms. Burton has reviewed and approved the form and content of the proposed forms of orders submitted with respect to the Motion.

7. Based on the foregoing, including no objections or responses to the Motion having been received, BayNorth requests entry of the proposed orders on the Motion submitted contemporaneously herewith.

8. The statements herein are made under penalty of perjury and are true and correct to the best of the undersigned's knowledge and belief.

EXECUTED this 13th day of April, 2011.

BY: \_\_\_\_\_/s/ ADELAIDE MAUDSLEY \_\_\_\_\_  
Adelaide Maudsley  
CHAPMAN AND CUTLER LLP  
Counsel for BayNorth

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **DECLARATION OF NON-OPPOSITION TO AND REQUEST FOR ENTRY OF ORDER ON MOTION TO MOTION TO DISMISS EASY STREET MEZZANINE, LLC AND EASY STREET HOLDING, LLC CASES PURSUANT TO LOCAL RULE 9011-2(a)** was served this 13th day of April, 2011, by first class U.S. Mail, postage prepaid, and by electronic mail to each of the following:

Mona L. Burton  
Holland & Hart LLP  
222 South Main Street, Suite 2200  
Salt Lake City, UT 84101  
mburton@hollandhart.com

\_\_\_/s/ Lynda Hansen, Legal Assistant\_\_\_